IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 996 of 2005

Between:

1. Kosuru Kameswara Rao, s/o. Veera Raghavulu, 36 years. Occ;Toddy Tapping.

2. Kosuru Penchala Narasaiah, s/o. Veera Raghavulu, 39 years, occ:Toddy Tapping.

3. Kosuru Veera Raghavulu, s/o. Channaiah, 55 years, occ: Toddy Tapping.

(All members of Kacheridevarayapalli T.F.T., R/o. Kothapalli Village, Anantasagaram Mandal, Nellore District.

..... PETITIONERS

AND

1. The Commisioner, Department of Prohibition & Excise, Government of Andhra Pradesh, Hyderabad.

2. The Excise Superintendent, Department of Prohibition & Excise, Nellore, Nellore District.

3. The Circle Inspector, Department of Prohibition & Excise, Atmakur, Nellore District.

4. The Sub-Inspector, Department of Prohibition & Excise, Anantasagaram Mandal, Nellore District.

5. Kosuru Hazarathaiah, s/o. China Chennaiah, 25 years, R/o. Kothapalli Village, Anantasagaram Mandal, Nellore District.

6. Kosuru Penchalaiah, s/o. Chennaiah, 50 years, R/o. Kothapalli Village, Anantasagaram Mandal, Nellore District.

7. Kosuru Venkateswarlu, s/o. Chinna Kesavaiah, 43 years, R/o. Kothapalli Village, Anantasagaram Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ, order or direction, more particularly one in the nature of writ of mandamus after calling for the entire records relating to the TFT licenses of the respondent Nos.5 to 7 from the office of respondent Nos. 1 to 4 consequently to cancel the licences of the respondents Nos.5 to 7 stating as illegal, arbitrary and violated Articles 14,19 and 21 of the Constitution of India and also violated Rule 28 of the A.P.Excise Arrack and Toddy Licence General Conditions) Rules 1969.

Counsel for the Petitioner:MR.K.RAMA KOTESWARA RAO

Counsel for the Respondent Nos.1 to 4: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent Nos. 5 to 7: None appeared.

The Court at the admission stage made the following :

ORDER:

The petitioners claim to be the TFT licensees of Kacheridevarayapalli village, Anantasagaram Mandal, Nellore District. Their grievance is that the respondents 5 to 7, the three other TFT licensees, are tapping the trees, which were allotted to the petitioners. They seek a writ of mandamus directing the respondents 1 to 4 to cancel the licenses of the respondents 5 to 7.

Heard learned counsel for the petitioners and the learned Government Pleader for Prohibition and Excise.

The petitioners do not point out any genuine grievance against any officials of the Excise Department. Their complaint is against the respondents 5 to 7. If at all, the petitioners are finding any interference from the respondents 5 to 7, they have to approach the appropriate Civil Court and work out their remedies. The relief claimed by the petitioners cannot be granted.

Hence, the Writ Petition is dismissed, leaving it open to the petitioners to work out their remedies in appropriate Civil Court. There shall be no order as to costs.

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28th January, 2005

To

1. The Commisioner, Department of Prohibition & Excise, Government of Andhra Pradesh, Hyderabad.

2. The Excise Superintendent, Department of Prohibition & Excise, Nellore, Nellore District.

3. The Circle Inspector, Department of Prohibition & Excise, Atmakur, Nellore District.

4. The Sub-Inspector, Department of Prohibition & Excise, Anantasagaram Mandal, Nellore District.

5. Two CCs to the Government Pleader for Prohibition and Excise, High Court Building, Hyderabad. (OUT).

6. Two C.D. copies.

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